



**State of Rhode Island  
Department of Environmental Management**

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**Division of Forest Environment**

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**IMPORTANT – PLEASE READ!**

Thank-you for considering the Forest Legacy Program for the protection of your forested lands. Competition in the program is extremely keen, and funding limited. Projects that make it through Rhode Island's evaluation and ranking process will be forwarded to the Forest Service and entered into a regional, then national evaluation process. Each year only one or two projects from Rhode Island may be funded and become a reality.

Patience is the most important virtue that applicants can possess as their application goes through this administrative process. It is not unusual for a project to take over 18 months from the time of being ranked on the state level to the scheduled closing. The more work that is completed ahead of time, the quicker a closing can be expected.

There are many aspects to being selected and ranked high enough to be funded. One aspect, and probably the most important, is the quality of the forest resources of the tract. The evaluation process investigates the quality of the fish & wildlife habitat, if there are resources of cultural, historic, or scenic significance, and whether or not conservation of the parcel contributes to the protection of public drinking water supply values. Each of these values is a reflection of the parcel and there is little if anything that a landowner can do to improve the attractiveness of the project based on this criteria.

Other factors are within the property owner's control, public access being one. Many taxpayers question why public dollars are spent to purchase easements if public access is not allowed. Arguments can be made both for and against the right of the public to access private lands. However, in those instances where it is appropriate, the selection of a potential project could hinge on whether or not the public will be granted access. It is important to note that how much public access is granted, where, and at which times, is always negotiable. Remember, it is a "willing seller" basis and condemnation of land is *never* used.

Also within the landowner's control is the sale price of the interests acquired. In every case, the landowner is informed of the fair market value of the interests that are being bought/sold. The value is determined by federal appraisal standards. Projects that are available at below the established fair market value are given special consideration. Applicants should be aware of the current fair market value of their parcel.

Also considered in the evaluation of a proposed project is the amount of support for the protection of the parcel, as evidenced by written letters from governmental agencies, individuals, or non-profit organizations. Examples would be local, state, or regional land trusts, the local conservation commission and planning department, etc., and state or local representatives and/or congressman. The level of support is also considered. Has the supporter agreed to commit funds for the project, or to have the appraisal, survey, or management plan paid for? Each of these criteria is considered and up to the applicant to provide.

Another aspect given careful consideration is the potential of conversion of the land to non-forest uses. It is up to the property owner, through the answers provided to the questions in the application to establish the threat for the potential conversion.

Most applicants will not be aware of all the organizations, agencies, plans, and strategies that may be applicable to conserving their parcel. That is why it is important to talk to the local Town Planning Department and Conservation Commission. In addition, the Forest Legacy Committee will not only evaluate and prioritize potential projects, but also use their expertise and diverse knowledge to add to the quality of the project should it be selected for funding consideration.

So, what makes a good application? Without a doubt it's the amount and quality of the information that you provide about your land, how it fits into local, state, and/or regional land protection strategies, what is the threat of its conversion, who supports its protection, and what is that level of support. Most of this information requires the applicant to do a lot of legwork, talking to local conservation groups, and town officials, and really thinking about the answers posed in the application. Take your time, be thorough, include as much supporting evidence as you can get your hands on. Most of all be patient and don't get discouraged if your parcel does not rank at the top. You can amend your application to make it more desirable, add more supporters if they're willing, and always re-apply!

**For Office Use Only**

Application Number: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_



**Application  
State of Rhode Island  
State Forest Stewardship Coordinating  
Committee  
FOREST LEGACY PROGRAM**



APPLICANT INFORMATION:

Landowner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_

PROPERTY INFORMATION (Contact Local Zoning Official When Necessary)

Town where property is located: \_\_\_\_\_

Property Location: \_\_\_\_\_

Assessor's Plat(s) and Lot(s): \_\_\_\_\_

Deed Reference (book and page number): \_\_\_\_\_

Number on Nearest Utility Pole: \_\_\_\_\_

Minimum Lot Size \_\_\_\_\_ Minimum Road Frontage (per lot) \_\_\_\_\_

Property is currently zoned: ☐ Residential ☐ Commercial ☐ Industrial

Current tax valuation: \_\_\_\_\_ If you have a recent appraisal attach if available

**Total**

**Total Offered**

Forested Acres \_\_\_\_\_

Non-Forested Acres \_\_\_\_\_

## IF NEEDED USE ADDITIONAL SHEETS TO ANSWER THESE QUESTIONS

### TYPE OF ACQUISITION

All transactions are based on the concept of “willing seller, willing buyer”. There is **no condemnation** of land.

Landowners wishing to be considered for the Forest Legacy Program must decide what type of sales agreement they want to enter into with the State. All land comes with certain rights, subject to federal, state, and local laws and regulations - the underlying title to the land, the right to develop the property, the right to harvest timber, to allow or deny public access, etc., are but a few. Together these rights can be thought of as a “bundle of rights”.

In a *fee title* sale, the State, as the buyer, purchases the parcel outright, including all the rights. As this option removes land from private ownership and is generally more expensive than the other option, it is not a preferred alternative by the State. Fee simple purchases will only be considered in those cases where the parcel contains outstanding resource values

In a *conservation easement* sale, restrictions on the use of the land are attached to the property deed in the form of a “Deed to Conservation”. This legally binding document is registered in the town land evidence records and, in essence, transfers rights from the landowner to the buyer (the State). The landowner is then paid for the loss in value of the property due to the restrictions. While commonly known as “buying the development rights” from a landowner, there are other rights within the “bundle of rights” that may be impacted, and therefore are compensated for. In this sale the landowner keeps title to the land, which can then be sold, transferred, or held. The deed restrictions are in perpetuity and are binding upon subsequent owners.

At a minimum the State is interested in purchasing the development rights, but is also interested in public access rights, should the landowner agree. Place a check mark or an “X” on the appropriate line of interests you are interested in selling.

\_\_\_\_\_ I am interested in selling my property outright (fee title).

For a Conservation Easement sale which of the following are you interested in selling:

	Yes	No	Maybe
Development Rights	_____	_____	_____
The right to harvest timber and/or other wood products*	_____	_____	_____
Public Access for Recreation	_____	_____	_____
Grazing Rights	_____	_____	_____
Farming Rights	_____	_____	_____

\* If the landowner decides to retain the right to harvest timber and/or other wood products, a written forest management plan provided by the landowner and approved by the state, will be required **prior to scheduling the closing**. The plan needs to be updated by the landowner at least every ten years.

State the fair market value of the interests to be enrolled in the Forest Legacy Program, and the method used to determine that value (appraisal, landowner estimate, tax rolls, etc.). Attach appraisal (a valid appraisal meets the “Uniform Appraisal Standards for Federal Land Acquisitions”. *Other appraisal methods are not valid*).

State the value of the landowner(s) contribution, if any, either in donated value or in-kind services.

QUESTIONS (Attach extra sheets if necessary)

1. Describe your long-term goals and objectives for this parcel:

2. Describe the "Traditional" use(s) of this forest land.

[illegible]

3. One of the goals of the Forest Legacy Program is to prevent forest fragmentation and to maintain viable working forests and forest systems. How will the acquisition of a conservation easement on your property address these issues?

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4. (Circle one) Is your parcel identified either locally, or in the RI Landscape Inventory as:

“Distinctive”                  “Noteworthy”                  “Uncommon”                  Other \_\_\_\_\_

Source: \_\_\_\_\_

5. Is it situated along a road either designated locally or by the state Department of Transportation as scenic? \_\_\_\_\_ YES \_\_\_\_\_ NO

6. Does it include locally important panoramic views or exceptional short views as demonstrated in local or state resource planning guides? If so, describe, and state source.

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7. What public recreational opportunities will be provided/enhanced by this acquisition? Will you be allowing some form of public access to the property?

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8. How will this acquisition further public drinking water supply values?

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9. Does your parcel contain any significant fish and wildlife habitat values?

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10. Are you aware of any cultural/historic values?

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11. What, in your opinion, is the "Threat of Conversion to Non-Forest Use" of the parcel proposed for enrollment in the Forest Legacy Program? Be specific.

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**CONSISTENCY WITH OTHER PLANNING EFFORTS (IMPORTANT: Contact Local Zoning Official, Local Land Trust, and/or Other Land Use Planning Group)**

How is the sale of a deed to conservation to this property consistent with your local land use comprehensive plan, or other local conservation efforts? How will it add to the conservation values of nearby protected lands? Cite references.

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**LIENS AND ENCUMBRANCES**

List any and all liens, mortgages, and encumbrances on the property proposed for enrollment in the Forest Legacy Program. Examples: utility easements, public rights of way, water flowage or use restrictions, septic system or water easements, deed restrictions, tax liens, etc.

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**LANDOWNER COMMENTS**

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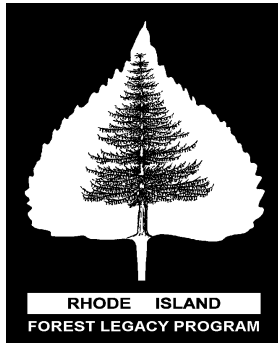
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## STATE FOREST STEWARDSHIP COORDINATING COMMITTEE

### LANDOWNER INSPECTION APPROVAL & RELEASE FORM

I/We, as the land owner(s) agree to allow inspection, appraisal, and survey of my property being offered for consideration under the Forest Legacy Program. I agree to allow members of the RIDEM Land Acquisition Committee or the Rhode Island State Stewardship Coordinating Committee or their designated staff, to inspect the property, as may be required, at any time. I shall be notified in advance of all inspection visits. I understand that, should the negotiations not result in an amicable sale, there **will not** be condemnation of my land.

I/We understand that the information provided herein becomes the property of the State of Rhode Island, and will not be returned.

I/We understand and agree that information contained herein may be used in part or in whole, to provide interested parties with details and specifics of the proposed project. Every effort shall be made to keep the project and its details as anonymous as possible, given the informational requests received.

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Signature of Landowner

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Date

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Signature of Landowner

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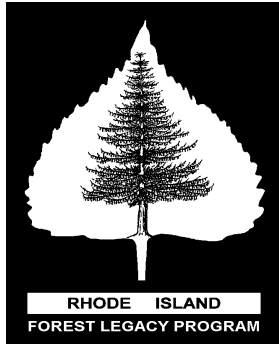
Date

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Signature of Landowner

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Date



**FOREST LEGACY PROGRAM**



The information provided above is true to the best of my/our knowledge and belief.  
**ALL TITLE HOLDERS MUST SIGN.**

PRINT NAME(S)

SIGNATURE

DATE

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

## FOREST LEGACY PROGRAM - Checklist

With your Forest Legacy Program application package, please submit four applications (one original and three copies) of the following for each non-contiguous parcel:

- \_\_\_\_\_ Completed application (incomplete applications will not be considered).
- \_\_\_\_\_ Signed consent agreement.
- \_\_\_\_\_ Map (State Highway, USGS Topographic, Street Atlas, e.g.) showing location of parcel in relation to nearest major town roads, as well as proximity to already protected open space, public or private, or other significant ecological feature or item that the Forest Legacy Committee should be aware of when considering your application.
- \_\_\_\_\_ Legal description if available, and/or copy of deed.
- \_\_\_\_\_ List of any known encumbrances or liens existing on the property including, but not limited to contracts, leases, or outstanding rights not of record.
- \_\_\_\_\_ A plan-map of the property.  
Plan-map Requirements:
  - To approximate scale (shown), North arrow, dated, and titled
  - Identifying the area to be included in the Forest Legacy Program, and the area(s) to be excluded from the program (if any), with approximate acreage shown.
  - Depicting forested and non-forested areas such as fields or gravel pits, approximate location of wetlands, bogs, ponds, marshes, etc., dams, dumps, waste disposal sites, wells, roads (labeled), trails, and any other structures or permanent improvements, etc., or any other feature that the Forest Legacy Subcommittee may find useful in the evaluation of your application.

Optional but recommended materials: (Include as many as possible)

Letters of support for the project, including commitment of funds (if applicable), from:

- \_\_\_\_\_ Local Land Trust and/or Conservation Commission
- \_\_\_\_\_ Town Official(s) (Planning and/or Zoning Board, Mayor, Town Council President, etc.)
- \_\_\_\_\_ Local Representative
- \_\_\_\_\_ State Conservation Group or Governmental Organization (e.g. Local Water Supply Board, The Audubon Society of Rhode Island, etc.).
- \_\_\_\_\_ Congressional Representative (Senator, Representative, or both)
- \_\_\_\_\_ Regional Conservation Group or Governmental Agency (The Nature Conservancy, Environmental Protection Agency, etc.).

\*All materials become the property of the State of Rhode Island and are non-returnable.